

Message Text

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ACTION ARA-14

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TO SECSTATE WASHDC PRIORITY 6681

LIMITED OFFICIAL USE SECTION 1 OF 2 MANAGUA 2421

E.O. 11652: N/A
TAGS: CARR, PINT, SHUM, NU
SUBJECT: STATUS OF CHARITON CASE ON ITS FIRST ANNIVERSARY

REF: MANAGUA 2361

BEGIN SUMMARY: CONSUL VISITED CHARITON AT MILITARY HOSPITAL MAY 23. HE SAID COLUMNIST JACK ANDERSON WOULD AGAIN LAMBAST EMBASSY'S HANDLING OF HIS CASE. CHARITON ALSO THREATENED TO ESCAPE FROM CUSTODY AND RETURN TO THE EMBASSY SINCE THE STATE DEPARTMENT "WOULD NOT DARE THROW ME OUT AGAIN." CHARITON ASKED THAT THE AMBASSADOR, WHO RECEIVED THE BULK OF HIS COMPLAINTS, TRY TO ARRANGE FOR A CHARITON-SOMOZA MEETING. CHARITON'S LOCAL ATTORNEY HAS GOTTEN THE SIGNATURE OF MANY PROMINENT NICARAGUAN CRIMINAL LAWYERS WHO ASSERT, IN EFFECT, THAT THE PERIOD OF CHARITON'S INCARCERATION WITHOUT TRIAL FAR EXCEEDS THE NORMAL PERIOD FOR COURT CONSIDERATION OF SUCH CASES. BOTH PRESIDENT SOMOZA AND THE HEAD OF HIS BANK, SEVILLA SACASA, INDICATED TO THE AMBASSADOR THAT SOME KIND OF SETTLEMENT OF THE CHARITON AFFAIR MAY BE IN THE OFFING. IF THE OUTLINES OF A SOLUTION ARE NOT FOUND BEFORE SOMOZA'S DEPARTURE FROM THE COUNTRY ON MAY 27, HOWEVER, NO PROGRESS IS LIKELY BEFORE HIS RETURN. TODAY, MAY 25, MARKS THE FIRST ANNIVERSARY OF CHARITON'S ARREST. END SUMMARY

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1. CONSUL MET WITH CHARITON AND HIS LOCAL ATTORNEY, ZELAYA PAIZ, AT MILITARY HOSPITAL MORNING MAY 23. CHARITON APPEARED TO BE IN A HIGHLY AGITATED STATE. BOTH HE AND ZELAYA EXPRESSED SERIOUS CONCERN OVER PROSPECT OF WAITING AGAIN FOR AN INDEFINITE PERIOD OF TIME FOR CASE TO BE RESOLVED (SEE REFTEL).

2. CHARITON STATED THAT HIS FAMILY IN THE U.S. AND HIS ATTORNEY SOL LEVINE HAD GIVEN JACK ANDERSON DETAILED INFORMATION OF THE NEGOTIATIONS HELD WITH SOMOZA'S BANCO DE CENTROAMERICA IN ATTEMPTING TO BRING ABOUT A MONETARY SETTLEMENT. ANDERSON, ACCORDING TO CHARITON, WOULD LAMBAST EMBASSY'S ROLE AS HAVING BEEN A PARTICIPANT IN THE BLACKMAILING OF A U.S. CITIZEN. CHARITON AND ZELAYA WERE PARTICULARLY ANGRY OVER EMBASSY'S ALLEGED ROLE IN THE EARLY STAGES OF THE NEGOTIATIONS. THEY CLAIMED THAT THEY HAD BEEN MISLED INTO BELIEVING THAT THE BANK WANTED TO NEGOTIATE WHEREAS, IN THEIR OPINION, THE BANK'S ULTIMATE DEMANDS WERE NEVER CLARIFIED DURING THE INITIAL STAGES OF THE NEGOTIATIONS. CHARITON CONTENDED THAT, HAD ZELAYA BEEN ALLOWED TO BE PRESENT AT INITIAL MEETINGS BETWEEN AMBASSADOR AND BANK PRESIDENT OSCAR SEVILLA SACASA, ZELAYA WOULD HAVE BEEN BETTER INFORMED OF BANK'S DEMANDS AND COULD HAVE COUNTERED THEIR ALLEGATIONS WITH SPECIFIC FACTS.

3. CHARITON RAISED AGAIN, AS HE HAS ON SEVERAL PAST OCCASIONS, WHAT HE CLAIMS IS A LINKAGE BETWEEN THE AMBASSADOR AND ALFREDO DURAN, A PROMINENT MIAMI-AREA POLITICAL LEADER (77 MANAGUA 3927). CHARITON COMPLAINED THAT THE AMBASSADOR HAD NOT HELPED HIM BECAUSE THE AMBASSADOR DOES NOT WANT TO ANGER DURAN WHO IS ALLEGEDLY LIMITED OFFICIAL USE

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VERY CLOSE TO PRESIDENT SOMOZA. (COMMENT: AMBASSADOR HAS NEVER HAD ANY TIES WITH DURAN. MOREOVER, AMBASSADOR HAS BEEN MOST ENERGETIC IN PRESSING FOR RESOLUTION OF CHARITON'S CASE. HE HAS MADE NUMEROUS DEMARCHES TO THE PRESIDENT AND TO THE FOREIGN MINISTER AND HAS PRESSED THE BANK CONTINUALLY, WITHOUT TAKING A POSITION ON THE TERMS OF ANY FINANCIAL SETTLEMENT THAT MIGHT BE REACHED, TO SPEED UP ITS CONSIDERATION OF CHARITON'S OFFERS.)

3. CHARITON INFORMED CONSUL THAT HIS WIFE HAS RETURNED TO U.S. MAY 20 SINCE HE WAS HOPEFUL THAT A SOLUTION MIGHT BE FORTHCOMING THIS WEEK. ON THE OTHER HAND, CHARITON THREATENED TO COME TO THE EMBASSY ONCE MORE IF CASE IS NOT RESOLVED SHORTLY. WHEN CONSUL ASKED WHAT HE MEANT, HE STATED THAT HE WOULD RETURN TO THE EMBASSY BECAUSE "THE STATE DEPARTMENT WOULD NOT DARE THROW ME OUT A SECOND TIME." CONSUL CAUTIONED HIM AGAINST DOING SO AND REMINDED HIM OF THE DANGER INVOLVED IN ANY ATTEMPTED ESCAPE. CHARITON HOWEVER SEEMED DESPERATE AND SAID HE WAS "TIRED OF BEING TOLD EACH TIME TO WAIT A FEW MORE DAYS." (COMMENT: CHARITON IS UNDER CUSTODY OF TWO PLAIN CLOTHES GUARDS NOW WHICH PROBABLY INDICATES THAT PRESIDENT SOMOZA HAS

TAKEN STEPS TO PREVENT HIS SUICIDE. NONETHELESS, SINCE HE ESCAPED ONCE BEFORE, HE IS PROBABLY OVERCONFIDENT THAT HE CAN DO SO AGAIN. HIS WIFE'S DEPARTURE COULD MEAN HE WILL TRY TO ESCAPE WHILE SHE IS IN THE US SO AS TO PREVENT HER DIRECT INVOLVEMENT AND POSSIBLE ARREST AS AN ACCOMPLICE).

4. DURING MEETING CHARITON INSISTED THAT CONSUL INFORM AMBASSADOR THAT HE WANTS LATTER TO ARRANGE A MEETING BETWEEN HIM AND PRESIDENT SOMOZA SO THAT CHARITON CAN PRESENT HIS SIDE OF THE CASE. CHARITON CONTENDS THAT SOMOZA HAS ONLY LISTENED TO BANCO DE CENTROAMERICA PRESIDENT SEVILLA SACASA AND HAS THUS BEEN MISINFORMED FROM THE OUTSET.

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5. CHARITON STATED ALSO THAT HIS FAMILY IN U.S. HAD INFORMED HIM THAT A LETTER SIGNED BY SEVERAL SENATORS AND CONGRESSMEN WOULD BE SENT TO PRESIDENT SOMOZA OBJECTING TO CHARITON'S PROLONGED INCARCERATION WITHOUT TRIAL. CHARITON WAS NOT SURE AS TO WHEN LETTER WOULD BE SENT SINCE THEY WERE STILL IN THE PROCESS OF OBTAINING SIGNATURES.

6. ZELAYA ALSO INFORMED CONSUL THAT MORE THAN 20 PROMINENT NICARAGUAN CRIMINAL LAWYERS HAVE SIGNED A STATEMENT IN WHICH THEY CERTIFY THAT THE NORMAL JUDICIARY PROCEDURES IN NICARAGUA FOR A CASE INVOLVING CHARGES SIMILAR TO THOSE BROUGHT AGAINST CHARITON HAVE A DURATION OF APPROXIMATELY FOUR MONTHS. HE INDICATED THAT CHARITON'S TWELVE MONTHS OF INCARCERATION WITHOUT TRIAL IS THEREFORE ALREADY CONTRARY TO THE NORMAL JUDICIAL PROCESSES. (ZELAYA PROVIDED EMBOFFS WITH A COPY OF THAT STATEMENT ON MAY 24, WHICH WE WILL POUCH TO ARA/CEN).

7. ON MAY 24, SEVILLA SACASA INFORMED AMBASSADOR THAT HE WAS GOING TO "QUEMAR" (GET RID OF) THE CHARITON CASE. AT A SOCIAL OCCASION ON THE SAME DAY, AMBASSADOR BROUGHT UP CHARITON CASE WITH SOMOZA PRIVATELY. SOMOZA SAID THAT HE HAD DISCUSSED THE AFFAIR WITH SEVILLA TWO DAYS EARLIER AND VOLUNTEERED THAT "WE'RE GOING TO SETTLE" LIMITED OFFICIAL USE

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THE MATTER. SOMOZA ADDED THAT "WE'RE JUST WAITING FOR ANOTHER DOCUMENT." CIRCUMSTANCES DID NOT PERMIT AMBASSADOR TO INQUIRE FURTHER WHAT SOMOZA MEANT. SOMOZA IS SCHEDULED TO BE ABROAD FOR A WEEK OR SO BEGINNING MAY 27. THE LATTER MAY DISCLOSE THEN THE STATUS OF NEGOTIATIONS BETWEEN CHARITON'S LAWYERS AND BANK AND THE PROSPECTS FOR ANY SETTLEMENT.

8. COMMENT: CHARITON'S SHIFTING FROM CRITICISM AND THREATS TO PLEAS FOR THE EMBASSY'S ASSISTANCE, AS NOTED HEREIN, IS NOT UNUSUAL. HIS DESPERATION COULD, INDEED, DRIVE HIM TO TRY AN ESCAPE AGAIN OR EVEN TO ATTEMPT SUICIDE SHOULD NOTHING SATISFACTORY TO HIM COME FROM THE PRESIDENT'S AND SEVILLA'S PRESENT MOVES. IF A SOLUTION IS NOT REACHED, AT LEAST IN OUTLINE FORM, BEFORE SOMOZA LEAVES, IT IS UNLIKELY THERE WILL BE ANY PROGRESS ON THE CHARITON AFFAIR DURING HIS ABSENCE. SOMOZA, AS ALWAYS, HOLDS THE KEY TO A SOLUTION. MEANWHILE, TODAY, MAY 25, MARKS THE FIRST ANNIVERSARY OF CHARITON'S ARREST. SOLAUN

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